

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15707 of MANNA, Inc., as amended, pursuant to 11 DCMR 3107.2, for a variance from the lot area requirements (Subsection 401.3), and a variance from the width requirements of an alley that is a means of access to required parking spaces (Subsection 2117.4) for subdivision and construction of three, two-family dwellings in an R-4 District at premises 511-515 Rhode Island Avenue, N.W. (Square S-457, Lots 6-8).

HEARING DATE: September 23, 1992
DECISION DATE: September 23, 1992 (Bench Decision)

SUMMARY ORDER

The application was amended to include subdivision of the three lots in such a manner as to allow for the construction of identical-sized buildings. The need to subdivide the lots is based on an existing condition of the adjoining property. A contiguous structure with an exterior side wall that extends onto one of the subject lots reduces the effective width of the proposed structure.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANCs) 2C and 1B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to the application, did not file a written statement of issues and concerns.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 401.3 and 2117.4. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as

embodied in the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with revised plans marked as Exhibit No. 22 of the record.
2. The lots shall be subdivided in the following manner:
 - a. Lot 6 shall have a width of 20.17 feet and contain 1, 641 square feet,
 - b. Lot 7 shall have a width of 19.4 feet and contain 1,558 square feet, and
 - c. Lot 8 shall have a width of 20.43 feet and contain 1,620 square feet.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Maybelle Taylor Bennett, Paula L. Jewell, Angel F. Clarens and Carrie L. Thornhill to grant; Sheri M. Pruitt not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

NOV 16 1992

FINAL DATE OF ORDER: _____

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER

BZA APPLICATION NO. 15707
PAGE NO. 3

IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENMTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15707Order/bhs

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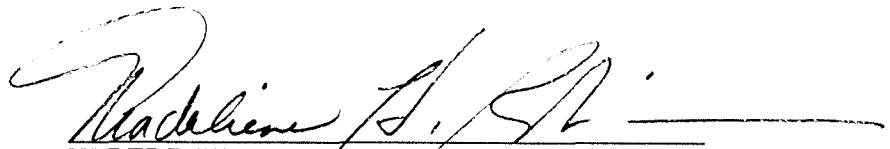


BZA APPLICATION NO. 15707

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 16 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

James Dickerson
614 S Street, N.W.
Washington, D.C. 20001

Alverta Munlyn, Chairperson
Advisory Neighborhood Commission 2C
1200 S Street, N.W., #201
Washington, D.C. 20009


MADELIENE H. ROBINSON
Acting Director

DATE: NOV 16 1992

15707Att/bhs